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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,814

08/19/2003

Takeshi Takachi

SIC-03-025

1813

29863

7590

08/25/2005

EXAMINER

WILLIAMS, THOMAS J

DELAND LAW OFFICE

P.O. BOX 69

KLAMATH RIVER, CA 96050-0069

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,814	<b>Applicant(s)</b> TAKACHI, TAKESHI	
	<b>Examiner</b> Thomas J. Williams	<b>Art Unit</b> 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-20 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-27-05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment and the information disclosure statement filed June 27, 2005.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,122 094 to Itou in view of US 3,799,472 to Svensson.

Re-claims 1-5, Itou teaches a bicycle hub brake, comprising: a bicycle wheel hub shaft 10 with first and second portions located inwardly from corresponding first and second end tips, the hub shaft is dimensioned to fit in hub shaft openings in a bicycle frame; a hub shell is rotatably supported relative to the bicycle wheel hub shaft; Itou further teaches a brake force control mechanism that includes a brake force adjusting mechanism 40. However, Itou fails to teach the brake force adjusting mechanism is accessible for adjustment while the brake force adjustment mechanism is housed in the hub shell.

Svensson teaches a hub brake mechanism that includes a brake force control mechanism housed by a hub shell 3, the brake force control mechanism 65/69 is adapted to receive a braking force from a braking device, the brake force control mechanism includes a brake force adjusting mechanism 81/87 that is accessible for adjustment while the brake force control mechanism is

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housed in the hub shell, the brake force adjusting mechanism sets a maximum braking force communicated from the braking device to the hub shell, see column 4 lines 21-34. Furthermore, Svensson teaches the brake force adjusting mechanism is accessed from an axial and radial direction (claims 2 and 3, the knob 87 is located in a direction both axially and radially from the brake force control mechanism); a brake side member 69 structured to engage the braking device (claim 4), and a friction engagement device 65 creates a friction force (during brake application) in a brake force transmission path between the brake side member and the shell (claim 4); the brake force control mechanism further comprises a friction force adjusting unit (interpreted as knob 87) that adjusts the friction force while the brake force control mechanism is housed in the shell (claim 5).

It would have been obvious to one of ordinary skill in the art to have provided the bicycle hub of Itou with the brake system taught by Svensson, allowing for the external adjustment of the maximum braking force and thus providing the operator greater control over the braking operation for the bicycle.

***Allowable Subject Matter***

4. Claims 6-20 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or render obvious a friction engagement unit comprising a plurality of first and second friction members interleaved with each other, wherein the first friction members are coupled relative to the brake side member and the second friction members are coupled relative to the hub shell.

***Response to Arguments***

6. Applicant's arguments filed June 27, 2005 have been fully considered but they are not persuasive. It is the opinion of the examiner that one of ordinary skill in the art would have the foresight to dimension the various elements in the brake apparatus of Svensson to fit within a bicycle wheel hub.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, can be reached at 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

August 18, 2005

THOMAS WILLIAMS  
PATENT EXAMINER

Thomas Williams

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8-18-05